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Message Text

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ORIGIN DLOS-09

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 USIE-00 ACDA-07
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NSAE-00 NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04
PRS-01 SP-02 SS-15 FEA-01 NSCE-00 SSO-00 INRE-00
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DRAFTED BY D/LOS:RCBLUMBERG:LB
APPROVED BY D/LOS - F. S. M. HODSOLL
L/OES - TLEITZELL
EPA - ROBERT MCMANUS
DOD - MR. GOODWEATHER
OES - G.DALTON
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O R 312042Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY JAKARTA IMMEDIATE
INFO AMEMBASSY LONDON
USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 071508

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: GROUP OF 17 CONSULTATIONS

JAKARTA FOR LOS DEL

1. GROUP OF 17 MARITIME STATE CONSULTING GROUP MET FOR TWO DAYS IN LONDON IN PREPARATION FOR NEXT SESSION OF LOS CONFERENCE.
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2. MEETING BEGAN WITH A REVIEW OF PROSPECTS FOR THE NEXT LOS SESSION IN MAY AND THE AGENDA FOR COMMITTEE III DURING THE 1ST TWO WEEKS. USSR, U.S. AND FRANCE EXPRESSED MAJORITY VIEW THAT COMMITTEE III EXPERTS SHOULD BE IN NEW YORK DURING THIS TIME, AVAILABLE FOR PRIVATE, UNOFFICIAL CONSULTATIONS. USSR EXPRESSED CONCERN THAT INDIA AND SOME OTHER LDCS WOULD

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ATTACK "SPECIAL AREA" AND OTHER KEY ARTICLES.

3. GROUP THEN CONSIDERED ARTICLE 30 PARA 6 AND 7 OF RSNT PART III, ARTICLES CONCERNED WITH COASTAL STATE ENFORCEMENT

U.S., JAPAN AND FRANCE EXPRESSED MAJORITY VIEW THAT PARA 6 GENERALLY ACCEPTABLE BUT OPPOSED PARA 7 AS PRESENTLY DRAFTED - PROPOSED AMENDMENTS TO PARA 7 BASED ON BONDING AND ENFORCE-MENT BY PORT STATES RECEIVED LITTLE SUPPORT. USSR STRONGLY PRESSED FOR SOME LANGUAGE IN PARA 7 WHICH WOULD PROVIDE A

METHOD FOR AVOIDING COASTAL STATE ARREST OF VESSELS BUT GROUP UNABLE TO AGREE.

4. IN DISCUSSION OF ARTICLE 38 ON FLAG STATE PRE-EMPTION OF PROSECUTION, U.S. PROPOSED ITS PRIOR AMENDMENTS. AMENDMENTS WOULD ELIMINATE PRE-EMPTION FOR CASES OF SERIOUS VIOLATIONS OF INTERNATIONAL DISCHARGE REGULATIONS AND NARROW PRE-EMPTION POSSIBILITY FOR FLAG STATES WITH POOR ENFORCEMENT RECORDS. GROUP EXPRESSED GENERAL SUPPORT FOR MODIFICATION OF ARTICLE 38 (1) TO FURTHER LIMIT RIGHT OF FLAG STATE PRE-EMPTION FOR STATES WHO FAIL TO EFFEC-TIVELY ENFORCE INTERNATIONAL STANDARDS. PRIVATE DISCUS-SIONS INDICATED THAT UK AND SOME OTHERS WERE WILLING TO RESTRICT PRE-EMPTION CASES, POSSIBLY ONLY TO PORT STATE ENFORCEMENT AGAINST VIOLATIONS BEYOND 200 MILES. IN EXCHANGE, UK WANTS CLEAR RIGHT FOR FLAG STATE TO HAVE TO HAVE FIRST CHANCE AT PROSECUTION IN CASES COVERED WITH PORT STATE TAKING BOND BUT NOT MOVING FURTHER UNTIL FLAG CONFIDENTIAL

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STATE ACTION COMPLETED. GROUP AGREED TO DISCUSS SPECIFIC PROPOSALS BY USA AND FRANCE AT NEXT MEETING.

5. GROUP DISCUSSED UK PAPER ATTEMPTING TOCLARIFY APPLI-CABILITY OF SAFEGUARD ARTICLES TO OTHER PARTS OF RSNT. GROUP AGREED THAT SUBJECT WAS CONTROVERSIAL AND TO STUDY IT AT NEXT MEETING.

6. GROUP AGREED THAT POSITIONS HAD NOT CHANGED REGARDING ARTICLE 20-2 PART II AND ARTICLE 21-3 PART III AND THAT DISCUSSION AT THIS MEETING WOULD NOT BE USEFUL.

7. GROUP DISCUSSED ARTICLE 28 (1) AND (2) IN TERMS OF POTENTIAL LINK BETWEEN PORT STATE ENFORCEMENT AND FLAG STATE PRE-EMPTION ARTICLES. GROUP AGREED TO CONSIDER ISSUE IN THIS LIGHT AT NEXT MEETING. FRANCE WAS ONLY COUNTRY THAT SPOKE AGAINST APPLICATION OF PORT STATE EN-FORCEMENT TO VIOLATIONS BEYOND 200 MILES. UK PRIVATELY INDICATED ACCEPTANCE. GROUP AGREED GENERALLY TO PROPOSE

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DELETION OF ARTICLE 28 (4) REALIZING HOWEVER THAT IT MIGHT MEET RESISTANCE AT CONFERENCE.

8. GREECE REINTRODUCED PROPOSAL TO INCLUDE MARITIME REPRESENTATION IN ISRA COUNCIL BUT RECEIVED NO SUPPORT AND CONSIDERABLE OPPOSITION FROM GROUP.

9. UK REPORTED GENERAL OPTIMISM REGARDING THEIR TALKS WITH STATES BORDERING MALACCA STRAITS. UK FELT THESE STATES MIGHT ACCEPT SUBMISSION OF TRAFFIC SEPARATION SCHEME WITH SPECIFIED MINIMUM UNDERKEEL CLEARANCE TO IMCO IF SUPPORTED BY MARITIME STATES, RATHER THAN PURSUING AMENDMENTS TO STRAITS ARTICLES BY RSNT.
10. GROUP TENTATIVELY AGREED ON JUNE 2 AND 3 IN NEW YORK AS DATES AND VENUE OF NEXT MEETING.
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Message Attributes

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TAGS: PLOS, OCON, XX, GROUP OF 17
To: JAKARTA
Type: TE
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